

LICENSE SUSPENSIONS RESULTING FROM CONVICTIONS

Statute	Description	Predicate Offense(s)	Permit	Comments
O.C.G.A. §32-6-30	Refusal to weigh	O.C.G.A. §32-6-30	No	*6 month license suspension * Commercial vehicles only
O.C.G.A. §40-5-22.1	DUI or drug conviction prior to age 16	O.C.G.A. §40-6-391 (DUI) O.C.G.A. §16-13-2 (Poss. Marj. Misd.) O.C.G.A. §16-13-30 (VGCSA) O.C.G.A. §16-13-72 (Poss. Dangerous Drugs)	No	*1 st Offense: Not eligible for license until age 17 *2 nd + Offense: No license until age 18
O.C.G.A. §40-5-30	Violation of license restriction	O.C.G.A. §40-5-30	No	*license suspension up to 6 months at discretion of trial court
O.C.G.A. §40-5-54	Mandatory suspensions for serious offenses	O.C.G.A. §40-6-393(c) (Vehicular Homicide-2 nd degree) O.C.G.A. §40-6-270 (Leaving Scene of an Accident) O.C.G.A. §40-6-186 (Racing) O.C.G.A. §40-6-395 (Fleeing/Attempting to Elude) O.C.G.A. §§40-5-120 and 125 (Fraudulent Use of License/ Fraudulent Application) O.C.G.A. §40-6-15 (Operating Vehicle with Suspended or Revoked Registration) Felony with Vehicle	1 st in 5 years	*Suspension terms are found in O.C.G.A. §40-5-63(a)

O.C.G.A. §40-5-57	Points suspension for accumulation of 15+ points within 24 months based upon incident dates	All moving violations for which no other suspension is imposed	1 st & 2 nd	*“Nolo” plea avoids points 1x every five (5) years-O.C.G.A. §40-5-57(c)(1)(B) *Zero points order avoids points 1x every five (5) years-O.C.G.A. §40-5-57.1(c)(1)(C) *Points are assessed for each offense, even if arising from a single incident
O.C.G.A. §40-5-57.1	TAADRA	O.C.G.A. §40-6-270 (Leaving Scene of an Accident) O.C.G.A. §40-6-186 (Racing) O.C.G.A. §40-6-395 (Fleeing/Attempting to Elude) O.C.G.A. §40-6-390 (Reckless Driving) O.C.G.A. §40-6-397 (Aggressive Driving) O.C.G.A. §40-6-163 (Unlawful Passing of School Bus) O.C.G.A. §40-6-45 (Improper Passing Hill/Curve) O.C.G.A. §40-6-181 (Speeding more than 24 mph) O.C.G.A. §3-3-23(a)(2) (Underage Purchasing Alcohol) O.C.G.A. §§3-3-23(a)(3) or (5) (Misrepresenting Age to Purchase Alcohol Underage) O.C.G.A. §40-6-391 (DUI)	Only if 18+ years old and susp. due to 4 point speeding ticket OR Ignition interlock permit for 2 nd in 5 years DUI	*Nolo pleas are treated as convictions for drivers under age 21. *Zero points order avoids points 1x every five (5) years under O.C.G.A. §40-5-57.1(c)(1)(C) except for reckless driving *Suspension is based upon defendant’s age at the time of the conviction. *Points are assessed for each offense, even if arising from a single incident
O.C.G.A. §40-5-57.2	Gas drive off	O.C.G.A. §40-6-255	No	Suspension for 2 nd + offense

O.C.G.A. §40-5-57.3	Failure to Yield Resulting in Serious Injury	O.C.G.A. §40-6-77	No	Applies to 2 nd or subsequent conviction within 5 years
O.C.G.A. §40-5-58	Habitual violator revocation based upon 3 convictions within 5 years based on arrest dates	All offenses listed in O.C.G.A. §40-5-54 O.C.G.A. §40-6-391 (DUI) O.C.G.A. §40-6-393 (Vehicular Homicide) O.C.G.A. §40-6-393.1 (Feticide by Vehicle) O.C.G.A. §40-6-394 (Serious Injury by Vehicle)	After 2 years	*Multiple offenses from single incident each count toward revocation. *Felony convictions for violating O.C.G.A. §40-5-58 count as HV contributors (felony with vehicle) *No license consequence for convictions for HV (misd)
	Violation of HV Probationary License	All offenses listed in O.C.G.A. §40-5-54 O.C.G.A. §40-6-391 (DUI) Violation of the terms of the probationary license	No	*Adds 2 year suspension unless remaining period of original revocation is longer. *No license consequence for other convictions
O.C.G.A. §40-5-63	(a) Mandatory offenses	See O.C.G.A. §40-5-54, <i>supra</i> O.C.G.A. §40-6-391 (DUI)	1 st in 5 years OR Ignition interlock permit for 2 nd DUI in 5 years	* DUI of drugs is treated like convictions for VGCSA pursuant to O.C.G.A. §40-5-63(a). *Interlock permit available after first 120 days of suspension *Clinical evaluation and treatment required for 2 nd + DUI in 10 years for incidents on or after 07/01/2008
O.C.G.A. §40-5-63 (cont'd)	(d) Vehicular homicide (1 st degree) and serious injury by vehicle	O.C.G.A. §§40-6-393(a) and 40-6-394	No	*Nolo plea will NOT avoid suspension (incl. 2 nd degree vehicular homicide)
	(e) and (f) Underage possession of Alcohol (if not covered in O.C.G.A. §40-5-	O.C.G.A. §3-3-23 (Possession must be committed while operating a vehicle)	No	*Conditional discharge for underage possession while operating vehicle avoids

	57.1) and attempting to purchase alcohol			suspension
O.C.G.A. §40-5-64	Limited permit revocation	Moving violations and violations of permit limitations	No	Additional six (6) month suspension
O.C.G.A. §40-5-70	Insurance convictions	O.C.G.A. §40-6-10	No	<i>Nolo</i> plea to 1st offense within 5 years avoids suspension, but 2 nd offense (including another <i>nolo</i>) treated as 2 nd offense. O.C.G.A. §40-5-70(d).
O.C.G.A. §40-5-75	Drug convictions	O.C.G.A. §16-13-2 O.C.G.A. §§16-13-20 through 16-13-56	Authorized by drug court OR 3 rd in 5 years	*Suspensions run consecutively to any existing suspension or revocation *First offender and conditional discharge avoid license suspension (1x lifetime) * <i>Nolo</i> plea to 1 st offense in 5 years misdemeanor marijuana avoids suspension if DUI school completed within 120 days of sentencing.
O.C.G.A. §40-5-121	Driving on suspended license	O.C.G.A. §40-5-121	No	<i>Nolo</i> plea avoids additional license suspension once every 5 years.
O.C.G.A. §40-6-189	Superspeeder	O.C.G.A. §40-6-160 O.C.G.A. §40-6-181 O.C.G.A. §40-6-189	No	*Applies to anyone convicted of speeding at 85 mph or more on any road, or 75 mph or more on any 2-lane road

WITHDRAWALS OF COMMERCIAL DRIVING PRIVILEGES

Statute	Description	Predicate Offense(s)	Permit	Comments
O.C.G.A. §40-5-151(a)	1 st “Major” Conviction	O.C.G.A. §40-6-391 O.C.G.A. §40-6-270 O.C.G.A. §40-6-271 O.C.G.A. §40-6-272 O.C.G.A. §40-6-273 Felony with Vehicle O.C.G.A. §40-5-146(b)(1) O.C.G.A. §40-6-393 O.C.G.A. §40-6-186 O.C.G.A. §40-6-395 O.C.G.A. §40-5-120 O.C.G.A. §40-5-125 O.C.G.A. §40-6-15 Commercial vehicle/cargo theft Refusal (implied consent)	No	1 year disqualification
O.C.G.A. §40-5-151(b)	1 st “Major” Offense while transporting hazardous materials	O.C.G.A. §40-6-391 O.C.G.A. §40-6-270 O.C.G.A. §40-6-271 O.C.G.A. §40-6-272 O.C.G.A. §40-6-273 Felony with Vehicle O.C.G.A. §40-5-146(b)(1) O.C.G.A. §40-6-393 O.C.G.A. §40-6-186 O.C.G.A. §40-6-395 O.C.G.A. §40-5-120 O.C.G.A. §40-5-125 O.C.G.A. §40-6-15 Commercial vehicle/cargo theft Refusal (implied consent)	No	3-year disqualification

O.C.G.A. §40-5-151(c)	2nd “Major” Conviction *must be from separate incidents	O.C.G.A. §40-6-391 O.C.G.A. §40-6-270 O.C.G.A. §40-6-271 O.C.G.A. §40-6-272 O.C.G.A. §40-6-273 Felony with Vehicle O.C.G.A. §40-5-146(b)(1) O.C.G.A. §40-6-393 O.C.G.A. §40-6-186 O.C.G.A. §40-6-395 O.C.G.A. §40-5-120 O.C.G.A. §40-5-125 O.C.G.A. §40-6-15 Commercial vehicle/cargo theft Refusal (implied consent)	No	Lifetime disqualification
O.C.G.A. §40-5-151(e)	Use of CMV in commission of any felony involving a controlled substance or marijuana (other than mere felony possession)	VGCSA	No	Lifetime disqualification

O.C.G.A. §40-5-151(f)(1)	2nd “Serious” Violation within 3 years *must be from separate incidents	Speeding (15 mph +) Reckless driving Following too closely Improper or erratic lane change Any violation from a fatal crash (other than veh. hom.) RXR grade crossing violation (non-commercial vehicle) Driving a CMV without a CDL Driving CMV without CDL on person Driving CMV without proper class license or endorsements Texting while operating a CMV	No	60-day disqualification
O.C.G.A. §40-5-151(f)(2)	3rd “Serious” Violation within 3 years *must be from separate incidents	Speeding (15 mph +) Reckless driving Following too closely, Improper or erratic lane change; Any violation from a fatal crash (other than veh. hom.) RXR grade crossing violation (non-commercial vehicle) Driving a CMV without a CDL Driving CMV without CDL on person Driving CMV without proper class license or endorsements Texting while operating a CMV	No	120-day disqualification (runs consecutively to 60-day disqualification if it has not yet expired)
O.C.G.A. §40-5-151(g)(1)	Violation of out-of-service order	O.C.G.A. §40-5-146(b)(2)	No	1st: 180 days to 1 year 2nd: 2-5 years 3rd +: 3-5 years

O.C.G.A. §40-5-151(g)(3)	Violation of out-of-service order while transporting HM or 15+ passengers	O.C.G.A. §40-5-146(b)(2)	No	1st: 180 days to 2 years 2nd+ in 10 years: 3-5 years
O.C.G.A. §40-5-151(k)(1)	Railroad grade crossing violation in CMV	O.C.G.A. §40-6-140 O.C.G.A. §40-6-141 O.C.G.A. §40-6-142 O.C.G.A. §40-6-143	No	1st: 60 days 2nd in 3 years: 120 days 3rd + in 3 years: 1 year

WITHDRAWALS NOT PREDICATED ON CONVICTIONS

Statute	Description	Predicate Offense(s)	Permit	Comments
O.C.G.A. §17-10-3	Court ordered suspension	As set by the court, but not to exceed term of sentence	Yes	
O.C.G.A. §40-5-22	School attendance or conduct violations	One year or until age 18, whichever is earlier	Yes	
O.C.G.A. §40-5-22	Denial	Indefinite until out-of-state issue resolved	No	
O.C.G.A. §40-5-26	Parent requested revocation	At least three (3) months or until age eighteen	No	Only available to person who signed for child to obtain DL
O.C.G.A. §40-5-50	Cancellation due to ineligibility or failure to provide required information	Indefinite until eligible or required information provided		Examples include social security cancellations and cancellations due to withdrawals in other states
O.C.G.A. §40-5-54.1	Failure to Pay Child Support	Indefinite until released by Child Support Enforcement	No	
O.C.G.A. §§40-5-56 and 17-6-11	Failure to Appear	Indefinite until released by trial court	No	
O.C.G.A. §40-5-59	Medical Revocation	Indefinite until condition resolved	No	DDS accepts reports from doctors, courts, law enforcement, prosecutors, and the public
O.C.G.A. §40-9-1, <i>et seq.</i>	Safety responsibility	Indefinite until surety posted or judgment satisfied	No	

MISCELLANEOUS INFORMATION

O.C.G.A. §40-5-53 requires courts to compel a defendant to surrender his or her driver's license when he or she is convicted of any offense for which a driver's license suspension is imposed, and all convictions for traffic offenses must be reported to the DDS within ten (10) days of the conviction.

DDS imposes license suspensions upon non-residents who are convicted of offenses for which a suspension is mandated. Points are not imposed upon non-residents. Their points-bearing convictions are reported to their home jurisdictions. O.C.G.A. §40-5-51.

The DDS treats convictions imposed upon residents by courts in other jurisdictions as if they occurred in Georgia and imposes whatever penalty is mandated for such convictions. O.C.G.A. §40-5-52.

Most suspensions and revocations begin on the date of the conviction that causes the withdrawal. However, the DDS cannot begin calculating the driver's eligibility for reinstatement until he or she surrenders his or her driver's license. If not surrendered prior to the date that the conviction goes onto the defendant's driving record, the time starts as of that date. O.C.G.A. §40-5-61(e).

All suspensions resulting from convictions, including points suspensions imposed pursuant to O.C.G.A. §40-5-57, occur by operation of law, and the customer has legal notice thereof upon his/her conviction. O.C.G.A. §40-5-60. Prosecution for driving on suspended license thereafter requires no additional evidence of actual notice.

A customer's points balance can be reduced by seven (7) points, though no lower than zero (0), upon successful completion of defensive driving course at approved driver improvement clinic. O.C.G.A. §40-5-86. This relief is available to each customer once every five (5) years.

LIMITED DRIVING PERMITS

Limited driving permits allow a defendant to continue driving while his/her driving privilege is suspended or revoked, but only for limited, specific reasons. Senate Bill 236 (2012) enacted substantial changes to O.C.G.A. §40-5-64. Customers become eligible for an ignition interlock limited driving permit after serving the first 120 days of the suspension for a "2nd if 5" DUI. They will hold interlock permit for eight (8) months, then become eligible for a non-interlock permit for the remaining six (6) months of the suspension.

Permissible uses of interlock permits are limited to the following:

- Going to the holder's place of employment;
- Attending a college or school at which he or she is regularly enrolled as a student;
- Attending regularly scheduled sessions or meetings of treatment support organizations for persons who have addiction or abuse problems related to alcohol or other drugs, which organizations are recognized by the commissioner; and
- Going for monthly monitoring visits with the permit holder's ignition interlock device service provider.

Senate Bill 236 deleted the language allowing travel for the normal duties of the holder's occupation and for medical care as permissible uses of interlock permits. This change was made at the request of NHTSA so that Georgia would remain in compliance with the federal interlock requirements for multiple DUI offenders in 23 U.S.C. §164 and 23 C.F.R. Part 1275.

The financial hardship exception language remains in O.C.G.A. §42-8-111(a)(1). House Bill 269 (2011) exempts interlock waivers from the time limitations of O.C.G.A. §§40-13-32 and 40-13-33. Customers exempted from interlock are not eligible for any other type of permit, so they serve a "hard" 18-month suspension. A defendant's decision to move out-of-state alone cannot be the basis for an interlock waiver. *State v. Villella*, 266 Ga. App 499 (2004). Defendants who move out-of-state cannot satisfy the interlock requirement using an out-of-state interlock service provider. Moreover, the DDS cannot issue an ignition interlock limited driving permit to a non-resident.

The permissible uses of non-interlock permits issued pursuant to O.C.G.A. §40-5-64 were expanded:

- Going to the holder's place of employment;
- Receiving scheduled medical care or obtaining prescription drugs;
- Attending a college or school at which he or she is regularly enrolled as a student;
- Attending regularly scheduled sessions or meetings of treatment support organizations for persons who have addiction or abuse problems related to alcohol or other drugs, which organizations are recognized by the commissioner;
- Attending under court order any driver education or improvement school or alcohol or drug program or course approved by the court which entered the judgment of conviction resulting in suspension of his or her driver's license or by the commissioner;
- Attending court, reporting to a probation office or officer, or performing community service; or
- Transporting an immediate family member who does not hold a valid driver's license or work, medical care, or prescriptions or to school.